

DETAILED ACTION

1. This action is responsive to the Applicant's reply filed on November 9, 2011.
2. Claims 43-70 have been examined.

Response to Arguments

3. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action.
4. Please file a Terminal Disclaimer in view of US Patent No. 7,509,658.

Claim Rejections – 35 USC §102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 43-47, 49-54, and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Jensen (US 2004/0261086 A1).

Claim 43.

Jensen discloses *a method for adaptive provisioning of an application on a terminal, the method executed on the terminal, comprising:*

receiving at the terminal the application and associated provisioning instructions
(0007, 0012-0014, 0023, 0031, 0039),

the provisioning instructions specifying provisioning operations to be performed (0008, 0009, 0011, 0025, 0028, 0029, the translated provisioning commands);

determining one or more application programming interfaces (APIs) required to perform the provisioning instructions (FIG. 2 and related text, from a plurality of commands and resource contents received from Adaptor 206, the client device 202 determines one translated API command to provision services),

each of the one or more APIs defining an interface for an API enabler to access an associated content type (FIG. 2 and related text, 0009, 0029, the translated API commands can access/interface resource contents to provision services in the client devices 202);

retrieving one or more API enablers, each API enabler implementing a respective API and providing functionality required to provision the application (0008, 0009, 0028, 0029, each translated API command as one API enabler); and

executing on the terminal the provisioning operations specified in the provisioning instructions (FIG. 2 and related text, executing translated API commands on the client devices 202),

using the one or more API enablers, to provision the application in a runtime environment of the terminal (0008, 0009, 0028, 0029, each translated API command as one API enabler).

Claim 44.

Jensen discloses the method according to claim 43, wherein provisioning of the application is shared between the runtime environment and the application through the associated provisioning instructions (FIG. 2, services/applications provisioned in the same type of target devices 202a-c are common/shared in the provisioning system 200).

Claim 45.

Jensen discloses the method according to claim 43 wherein a provisioning service determines the one or more APIs required by the provisioning instructions (FIG. 2, each type or target device has specific Provisioning API and Adapter).

Claim 46.

Jensen discloses the method according to claim 45 further comprising: the provisioning service customizing the provisioning of the application using a provisioning API set; the provisioning API set comprising a plurality of APIs specified in the provisioning instructions (FIG. 3 and related text, a Provisioning API set 222 has a plurality of APIs 300, 302, and 304).

Claim 47.

Jensen discloses the method according to claim 46, wherein the provisioning service customizes the provisioning of a plurality of applications using one or more provisioning API sets (FIG. 3, for each type of target devices and for each type of APIs 300, 302, 304, different API sets/instructions are used).

Claim 49.

Jensen discloses the method according to claim 43, wherein the associated provisioning instructions are stored separately from the application (FIG. 2 and related text).

Claim 50.

Jensen discloses the method according to claim 49 wherein receiving the provisioning instructions further comprises accessing a remote repository/database (FIG. 2 and related text, 204 and 220 are remote to 202a-c).

Claim 51.

Jensen discloses the method according to claim 50, wherein accessing includes querying a networked repository/database server (FIG. 2 and related text, Provisioning Application 208 queries a networked database DB 220).

Claim 52.

Jensen discloses the method according to claim 43, wherein the terminal is selected from the group comprising wired devices and wireless devices (FIG. 2, wireless devices 202a-b and wired devices 202c).

Claim 53.

Jensen discloses the method according to claim 43 wherein the API enabler is selected from the group comprising: retrieved locally on the terminal by a provisioning service; bundled with a content descriptor of the application; and retrieved remotely from the terminal by the provisioning service (FIG. 2 and related text, locally for 202c, bundled for 202a, and remotely for 202b).

Claim 54.

Jensen discloses the method according to claim 43, wherein the APIs are defined by one or more entities to customize the provisioning process of the application according to requirements of the respective entity (FIG. 4-6, specific APIs are defined by specific vendors/providers).

Claim 56.

Jensen discloses the method of claim 43, wherein each of the one or more API enablers is associated with a specific content type used in provisioning the application (FIG. 3 and related text).

Claim Rejections – 35 USC §103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 48, 55, and 57-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen in view of Krantz (US Patent No. 2005/0091357 A1).

Claim 48.

Jensen does not disclose *the method according to claim 43, wherein the associated provisioning instructions are selected from the group comprising code, script, and configuration data.*

However, Krantz further discloses *provisioning instructions are selected from the group comprising code, script, and configuration data* (0047, 0063, 0089).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Krantz's teaching into Jensen's teaching. One would have been motivated to do so to provide network provisioning services by using XML rules files, configuration files, and provisioning files as suggested by Krantz (e.g., [0047], [0063], and [0089]).

Claim 55.

Krantz further discloses *the method according to claim 43, wherein a script interpreter executes the provisioning operations, and each of the one or more API enablers exposes the respective API to the script interpreter, each API enabler implementing a service provider interface (SPI) to allow the API enabler to co-operate with the runtime environment to provide required functionality* (0047, 0063, 0089).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Krantz's teaching into Jensen's teaching. One would have been motivated to do so to provide network provisioning services by using

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XML rules files, configuration files, and provisioning files as suggested by Krantz (e.g., [0047], [0063], and [0089]).

Claim 57.

As set forth in claim 43 above, Jensen discloses *a terminal, including a computer processor and a computer readable storage memory, for adaptive provisioning of applications in a runtime environment, the terminal comprising: a provisioning service for provisioning a received application associated with provisioning instructions, the provisioning instructions specifying provisioning operations defined by one or more application programming interfaces (APIs), each of the one or more APIs defining an interface for an API enabler to access an associated content type, the provisioning service retrieving one or more API enablers, each API enabler implementing a respective API of the one or more APIs and providing functionality required to provision the application.*

Jensen does not disclose *a script interpreter for executing the provisioning operations specified in the provisioning instructions using the one or more API enablers to provision the application in the runtime environment of the terminal.*

However, Krantz further discloses *a script interpreter for executing the provisioning operations specified in the provisioning instructions using the one or more API enablers to provision the application in the runtime environment of the terminal* (0047, 0063, 0089).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Krantz's teaching into Jensen's teaching. One would have been motivated to do so to provide network provisioning services by using XML rules files, configuration files, and provisioning files as suggested by Krantz (e.g., [0047], [0063], and [0089]).

Claims 58-69:

Claims 58-69, which recite(s) the same limitations as those of claims 43-56, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim(s), it also teaches all of the limitations of claims 58-69.

Claim 70:

Claim 70 is a computer program product version, which recite(s) the same limitations as those of claim 57, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claim(s), it also teaches all of the limitations of claim 70.

Conclusion

9. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication should be directed to examiner Thuy (Twee) Dao, whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

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Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/ (Twee)

Primary Examiner, Art Unit 2192